



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,090	12/02/2003	Joey D. Magno JR.	577-619	3426

23869 7590 01/26/2005

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,090

Applicant(s)

MAGNO ET AL.

Examiner

Robert J. Sandy

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 1-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing-sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/2/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because of the following:

The pawl shown in Fig. 9 is not consistent with the pawls shown in Figures 6 and 8. Furthermore, it is not understood how the pawl is able to pivot from its initial locking position, as shown in Figures 6 and 7, to its supplemental locking position, shown in Figure 9. The function of neck portion 62 is understood for pivoting the pawl 57 to its insertion position (Fig. 8) and subsequently to its initial locking position (Figs. 6 and 7). However, since each of the pawl teeth 67 shown in Figures 6 and 7 are in contact with recessed portions between adjacent teeth 35 of the strap, it is not understood how the pawl 57 is able to rotate further to the supplemental position shown in Fig. 9 and having each pawl tooth 67 appear to remain in contact with the strap 15. Also, it is not understood how the concave portion 75 of the pawl shown in each of Figures 6, 7 and 8, transforms into the concave portion shown in Fig. 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-11 and 13 are objected to because of the following informalities, as to the following:

In claim 1, line 7, there is no antecedent basis for "said adjoining portion".

In claim 4, line 5, there is no antecedent basis for "said adjoining portion".

In claim 5, line 4, there is no antecedent basis for "said adjoining portion".

In claim 6, bridging lines 2 and 3, there is no antecedent basis for "said flexible connection".

In claim 8, line 7, there is no antecedent basis for "said adjoining portion".

In claim 11, line 3, there is no antecedent basis for "said flexible connection".

In claim 13, line 3, there is no antecedent basis for "said flexible connection".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, line 18, recitation of "said side" renders the claims indefinite since it is not understood which "side" is in reference to, such as the side which the grip surface of the pawl defines, or the side of the passageway the support surface of the head defines.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Feldberg (U. S. Patent No. 3,588,962). Feldberg ('962) discloses a cable tie (10) for bundling elongate articles, said cable tie comprising: an elongate strap (12) having opposing free and base ends, said strap further having a longitudinal central axis and being deformable into a loop (see Fig. 2) such that said central axis is contained in a central plane, said strap having a primary grip surface; and

a head (11) having a base extending from said base end of said strap, said head having a passageway (14) with opposed entry and exit ends such that said free end of said strap can be inserted into said passageway through said entry end and exit said passageway through said exit end, said passageway having a longitudinal central axis (along central view line 3-3, Fig. 1) which is contained in said central plane,

said head having a pawl (15) which is flexibly connected to an inner surface (at 35) of said base such that said pawl is adjacent to said passageway, said pawl being biased to an initial locking position (as represented in Fig. 3) and movable therefrom to a supplemental locking position (represented in Fig. 5), said pawl being further biased thereto from said initial locking position (i.e., further biased from the initial locking position shown in Fig. 5 to the position shown in fig. 6), said pawl having a heel (surface portion 30, see Figs. 4-6) a portion (30a, see Fig. 6) of which moves into engagement with said base when said pawl is moved from said initial to supplemental locking positions to obstruct said movement of said pawl beyond said supplemental locking position, said pawl having a grip surface (surface defining of teeth 16, 17 and 18) which defines a side of said passageway (see Fig. 3),

said head having a support surface (20) which defines a side of said passageway which opposes the side defined by said grip surface of said pawl such that, when said strap is sufficiently inserted into said passageway through said entry end, said pawl is biased to said

Art Unit: 3677

initial locking position wherein said grip surface of said pawl forcibly engages said primary grip surface of said strap such that said strap is urged into engagement with said support surface to provide frictional resistance to said retraction of said strap, said retraction of said strap further causing movement of said pawl from said initial locking position to said supplemental locking position to increasingly force said strap against said support surface (20) to increase said frictional resistance wherein said movement of said pawl beyond said supplemental locking position is obstructed by the engagement of said portion of said heel with said base (as demonstrated in Fig. 6); and

(concerning claim 13) the movement of said pawl from said initial locking position to said supplemental locking position is by pivoting of said pawl about a flexible connection (neck portion 35) of said pawl to said base.

Allowable Subject Matter

Claims 1-11 would be allowable if rewritten or amended to overcome the claims objections set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest a cable tie having the structural combination of at least wherein the strap has strap tooth having a transverse cross-section bounded by an outer periphery having a planar portion which is perpendicular to an adjoining portion of the primary grip surface, and the outer periphery of the strap tooth further having a convex portion; and the pawl tooth has a transverse cross-section bounded by an outer periphery having a planar portion which is perpendicular to the central axis of the passageway when the pawl is in the initial locking position, and the outer periphery of the pawl tooth further having a convex portion, the planar portion of the pawl tooth faces the exit end of the head when the pawl is in the initial locking position.

Art Unit: 3677

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, and teach teaches cable tie structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
Art Unit 3677